

REMARKS

The Office asserts that claims 1-2 are unpatentable over Kahn, U.S. Patent No. 4,552,773. '773 discloses a whipped food product produced by conventional freezing methods (column 8, lines 19-22). The present application is distinguished over '773 because claims 1-2 recite compositions that have been produced by cold extrusion. The Office points to no teaching in Kahn to use cold extrusion.

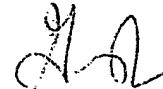
While cold extrusion has a number of advantages, it is difficult to achieve high overruns (in particular >90%) when a high proportion of the fat is liquid at -5C (page 2, line 25 – page 3, line 2). This is because liquid fat produces a less stable fat emulsion, and hence poorer aeration than solid fat. The present application solves this problem by using an aerating means that displaces less than 40% of the internal volume of the freezer barrel (page 6, lines 13-17).

The Office points to no teaching in '773 which addresses the problem of how to prepare a composition containing a high proportion of liquid fat using cold extrusion. Therefore, is it submitted that claims 1-2 are not obvious in view of '773 and it is respectfully requested that the rejection be withdrawn.

In order to expedite prosecution and without acknowledging the propriety of the rejection, Applicants include a terminal disclaimer with respect to Serial No. 10/005,678.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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